

Regarding 47 CFR 64.1200 (e):

The FCC has attempted in this docket to compliment recent regulations enacted by the FTC. It should be noted that both still provide for the maintenance of company specific Do-Not-Call lists.

The FTC regulations also continue to require that businesses, even those with existing business relationships, not call customers that have requested to be placed on their company specific Do-Not-Call list. Thus it is recognized that even consumers that have a business relationship with a company can require that they not receive telephone solicitations from that company.

In 47 CFR 64.1200 (e), companies that make telephone solicitations are required to maintain a written Do Not Call policy and provide it on demand. However, it is the position of corporate counsel of at least one major retailer, that if a company does not purchase or sell lists, and does not make calls to persons other than the company's customers who have established a business relationship, then the company need not meet the requirements of 47 CFR 64.1200 (e) specifically with reference to maintaining a written Do Not Call policy and providing such on demand. The company's position is that these calls are not covered by the term telephone solicitation as defined in the regulation due to the business relationship exemption.

The company does acknowledge the requirement not to call Customers that have requested to be placed on their company specific Do No Call list.

The commission should revise the code so that companies that are required to maintain a company specific Do Not Call list (as is required by FTC regulations), are similarly required to meet the requirements of 47 CFR 64.1200 (e), without exemption on the basis that the recipient has an existing business relationship.